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*CITY AND COUNTY OF SAN FRANCISCO, ET AL.*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SHAWN MYERS and SARAH MYERS,  
  
Plaintiffs,  
  
vs.  
  
CITY AND COUNTY OF SAN  
FRANCISCO, a municipal corporation; et al.  
  
Defendants.

Case No. C08-1163 MEJ

**ADMINISTRATIVE MOTION AND  
STIPULATION FOR ORDER FOR  
SECOND EXTENSION OF TIME TO  
FILE JOINT UNDISPUTED  
STATEMENT OF FACT AND  
DISPOSITIVE MOTION;  
STIPULATION BY THE PARTIES;  
AND ~~PROPOSED~~ ORDER**

**[Local Rule 7-11]**

Pursuant to Local Rule 7-11, Defendants, based on stipulation, hereby move the Court for an order extending time to file their joint statement of undisputed fact, and any dispositive motions. As outlined below, the parties have been meeting and conferring pursuant to this Court's March 2, 2012 Order, and have been diligently working toward a joint statement for use in defendants' motion for partial summary judgment and plaintiffs' opposition thereto.

Due to an unforeseen mediation/arbitration that lasted weeks, as opposed to days, and which occurred during a time when defense counsel planned on meeting and conferring with plaintiff, and finalizing an undisputed statement of material fact, counsel for defendants requires a short extension of time to complete the task.

Dated: May 1, 2012

DENNIS J. HERRERA  
City Attorney  
JOANNE HOEPER  
Chief Trial Deputy  
SEAN F. CONNOLLY  
Deputy City Attorneys

By: s/Sean F. Connolly  
SEAN F. CONNOLLY  
Deputy City Attorney

Attorneys for Defendants CITY AND COUNTY OF  
SAN FRANCISCO, et al.

### STIPULATION OF COUNSEL

#### THE UNDERSIGNED COUNSEL HEREBY STIPULATE:

1. On March 2, 2012, the court issued an order denying defendants' motion for summary judgment, without prejudice, and ordered defendants to include a joint statement of undisputed fact with any future motion, consistent with the Court's standing order. The Order also requested the parties meet and confer in that regard.

2. Between March 7, 2012, and March 16, 2012, the parties met and conferred in efforts to narrow the issues of actual contention.

3. From March 16, 2012, through March 28, 2012, the parties met and conferred, on nearly a daily basis, in an attempt to reach agreement on a joint statement of undisputed fact.

1 Presently, the parties are working on their third draft of an undisputed statement of fact, which  
2 includes approximately 170 separate facts, and supporting citations.

3 4. Because this lawsuit arises out of a particularly fact intensive transaction, the process  
4 of meeting and conferring to agree on a joint statement of undisputed fact and a joint statement of  
5 undisputed testimony is time intensive and laborsome.

6 5. While the parties have made progress toward a joint statement, they need more time to  
7 accomplish this task.

8 6. Due to the particularly busy litigation schedules of the parties, plaintiffs stipulated, and  
9 defendants previously requested, and were granted, an extension until May 9, 2012, to refile a motion  
10 for partial summary judgment on the same claims, or on fewer claims.

11 7. In the time since March 28, 2012, to the present, the parties have met and conferred  
12 minimally. While counsel for defendants has been busy with the usual heavy workload of the City,  
13 he was involved in a labor arbitration/mediation that was expected to last only several days, but  
14 which finally lasted most, but not all, of the last three weeks. Due to the unexpected length of time  
15 and involvement of that hearing, defense counsel has not been able to resume his commitment to  
16 meeting and conferring with plaintiff to finish the joint statement of undisputed fact. Further, defense  
17 counsel is scheduled to be out of the office from May 2-4, 2012. Consequently, defendants request a  
18 short extension of time to refile a motion for partial summary judgment on the same claims, or on  
19 fewer claims.

20 8. Defendants have met and conferred with plaintiffs' counsel regarding the request for a  
21 an extension of time and they pose no objection and stipulate in the request for an extension until  
22 May 17, 2012.

**IT IS SO STIPULATED.**

Dated: May 1, 2012

DENNIS J. HERRERA  
City Attorney  
JOANNE HOEPER  
Chief Trial Deputy  
SEAN F. CONNOLLY  
WARREN METLITZKY  
Deputy City Attorneys

By:                     /S/                      
SEAN F. CONNOLLY  
Deputy City Attorney

Attorneys for Defendants CITY AND COUNTY OF  
SAN FRANCISCO, et al.

Dated: May 1, 2012

FREITAS, MCCARTY, MACMAHON AND KEATING, LLP

By:                     /S/                      
CHRISTIAN KEMOS, ESQ.

Attorneys for Plaintiffs  
SHAWN MYERS and SARAH MYERS

**PROPOSED ORDER**

BASED ON STIPULATION, AND FOR GOOD CAUSE SHOWN, IT IS SO ORDERED:

Defendants' deadline by which they may refile a motion for partial summary judgment on the same claims, or on fewer claims, is extended until May 17, 2012. Any motion must comply with this Court's Standing Order and include a joint statement of undisputed facts.

Dated: May 2, 2012



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THE HONORABLE MARIA ELENA JAMES  
UNITED STATES MAGISTRATE JUDGE